



NEWS

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(415) 865-7740
Lynn Holton, Public Information Officer

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF MAY 21, 2001

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#01-57 Drouet v. Superior Court, S096161. (A092016; 86 Cal.App.4th 1237.)
Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case concerns whether the affirmative defense of retaliatory eviction (Civ. Code, § 1942.5) is applicable in an unlawful detainer proceeding brought under the Ellis Act (Gov. Code, § 7060 et seq.) by a landlord assertedly seeking to go out of the rental housing business.

#01-58 Gum v. H.H. Restaurant, Inc., S096902. (D033976.) Unpublished opinion. Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case concerns whether a plaintiff who the jury found had been sexually harassed at her place of employment was entitled to an award of nominal damages, making her the prevailing party and thus not liable for the defendant's costs, although the jury also found that she had failed to prove any actual damages.

#01-59 Sites v. Superior Court, S095743. (A092451; 86 Cal.App.4th 504.)
Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case concerns whether, and under what circumstances, a party may seek a writ of mandate from the Court of Appeal when the appellate division of the superior

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court has resolved an appeal in an unpublished decision and has denied a request to certify the matter for transfer to the Court of Appeal. (See Code Civ. Proc., § 911; Cal. Rules of Court, rule 62.)

#01-60 People v. Burgess, S096583. (C032143; 87 Cal.App.4th 567.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in People v. Cooper, S092882 (#01-11), which concerns whether the 15 percent limitation on pretrial custody credits contained in Penal Code section 2933.1, subdivision (c), applies when sentence is imposed under Penal Code section 190 as that provision read before its amendment as of June 3, 1998. (See Prop. 222, as approved by voters, Primary Elec. (June 2, 1998).)

#01-61 People v. Keller, S096233. (C033613; 87 Cal.App.4th 40.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in People v. Slayton, S086153 (#00-48), which concerns whether, and under what circumstances, the Sixth Amendment permits a defendant, who has counsel on the crimes with which he has been charged, to be interrogated in counsel's absence about related crimes with which defendant has not been charged and, if there is a constitutional violation, what the remedy is for such violation.

DISPOSITIONS

#00-125 People v. Arevalo, S090491, was transferred to the Court of Appeal for reconsideration in light of People v. Jones, 25 Cal.4th 98.

#01-10 Sherman Way Townhomes, Inc. v. Superior Court, S094334, was transferred to the Court of Appeal for reconsideration in light of Brennan v. Tremco Inc., 25 Cal.4th 310.

The following cases were dismissed and remanded to the Court of Appeal:

#00-62 People v. Barba, S087310.

#99-181 People v. Belcher, S083381.

#99-183 People v. Martin, S081908.

#00-116 Tuggle on Habeas Corpus, S089965.